

Filed for intro on 02/22/95
Senate Bill _____
By _____

House No. HB1473
By Chumney

AN ACT to amend Tennessee Code Annotated, Title 68, relative to nursing homes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section _____. (a) There is created within the department of health no more than forty-five (45) part-time nursing home/care ombudsman positions. One (1) position shall be created for every seven (7) volunteer ombudsmen in each of the nine (9) development districts in the state. Volunteer ombudsmen must apply to be a volunteer on an application and in a manner established by the board for licensing health care facilities, and further must be approved by the board for licensing health care facilities prior to acting as a volunteer.

(b) The salary of each part-time ombudsman shall be ten dollars (\$10.00) an hour and the work week of such person shall be twenty (20) hours a week. The purpose of the ombudsman is to investigate complaints by patients and family members

concerning patient care as well as any other violations in the nursing home, and to mediate such complaints.

(c) The department shall develop a training program for the nursing home/care ombudsmen, including volunteers, and promulgate rules and regulations containing the requirements each such person must meet before being qualified as an ombudsman or volunteer.

(d) Each nursing home/care ombudsman shall have access to nursing home/care facilities at all reasonable times.

(e) The department of health shall promulgate necessary and appropriate rules and regulations in accordance with the Uniform Administrative Procedures Act, Title 4, Chapter 5, to implement the provisions of this act.

SECTION 2. Tennessee Code Annotated, Section 68-11-209(e), is amended by adding the following language as a new, appropriately designated item:

() Notwithstanding any other provision of law, rule or regulation to the contrary, any fee assessed on the effective date of this act for nursing aides or nursing assistants in nursing homes either for training or application fees shall be reduced by fifty percent (50%).

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 11, Part 10, is amended by adding the following language as a new, appropriately designated section:

Section _____. Notwithstanding any other provision of law to the contrary, a nursing home is required to check the abuse registry established in accordance with §68-11-1001 prior to hiring any person. A nursing home is prohibited from hiring any person whose name is contained in such registry.

SECTION 4. Tennessee Code Annotated, Section 68-11-207(a), is amended by adding the following language as a new, appropriately designated item:

() The person to whom a license has been issued under this chapter, operates any other illegal, unlicensed facility.

SECTION 5. Tennessee Code Annotated, Section 68-11-811, is amended as follows:

(1) in subsection (a) by deleting the language “one thousand five hundred dollars (\$1,500)”, and by substituting instead the language “one thousand six hundred dollars (\$1,600)”;

(2) in subsection (b) by deleting the language “five hundred dollars (\$500)”, and by substituting instead the language “six hundred dollars (\$600)”; and

(3) in subsection (c) by deleting the language “two hundred fifty dollars (\$250)”, and by substituting instead the language “three hundred dollars (\$300)”.

SECTION 6. This act shall take effect July 1, 1995, the public welfare requiring it.